

Serial No. 09/914,807

Attorney Docket No. 10543-028

REMARKS

In response to the Office Action mailed October 15, 2004, kindly enter the foregoing amendment and consider the following remarks.

The Office Action and the references cited therein have been carefully considered. In this Amendment, claims 19 and 37 have been amended. Thus claims 19-30, 32-40 and 42-44 are pending and are at issue herein. In view of these amendments and the following remarks, favorable reconsideration of this application is requested.

EXAMINER INTERVIEW

The Applicants would like to thank the Examiner for conducting a telephonic interview on November 18, 2004. In the interview, the Applicants discussed the outstanding rejections to claims 19 and 37 based on indefiniteness. The undersigned and the Examiner agreed upon modification to the claim language to more clearly recite the claimed subject matter. Accordingly, all the claims are in condition for allowance and favorable reconsideration is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC §112

Claim 19 stands rejected under 35 U.S.C. §112 as being indefinite because, according to the Examiner, the claim states that "two diagonally opposite wheels lose traction and provides a third wheel with sufficient traction. How does the third wheel that has not been detected to have or not the traction will be provided with the torque?" In the interview, the Examiner clarified this to mean that it was unclear which wheel is provided with torque. The Applicants traverse the Examiner's rejection under §112 and respectfully assert that the claim was clear to a person of ordinary skill in the art who would readily understand what is encompassed by the step of providing torque to at least one vehicle wheel having sufficient traction with the ground.

The Applicants have amended claim 19 with language agreed upon by the Examiner in order to secure allowance of the same, but not for any reason related to patentability. Claim 19 recites that the at least one wheel having sufficient traction

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with the ground is not one of the two diagonally opposite wheels in the diagonally axle twist condition which lose sufficient traction with the ground. Favorable reconsideration of independent claim 19, as well as its dependent claims is respectfully requested.

Claim 37 has been amended to recite that the period of time is 50 to 200 msec. when a diagonal axle twist was previously determined within 15 seconds of the step of determining the diagonal axle twist. The Applicants respectfully traverse the Examiner's rejection of claim 37 in as much as a period of time that occurred in the past, such as the "prior 15 seconds", is an inherent aspect of a claim and thus no antecedent basis is necessary to use the article "the" before the phrase "prior 15 seconds." Thus, and not for any reason related to patentability, the Applicants have amended claim 37 to eliminate the "the" and to place the claim in condition for allowance. Favorable reconsideration is respectfully requested.


CONCLUSION

In view of the preceding amendments and remarks, the Applicants respectfully submit that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicants respectfully request that the Examiner contact the Attorney of the Applicants at the earliest convenience of the Examiner.

Applicants have calculated no fees to be presently due in connection with the filing of this Paper. However, Applicants have authorized charging of any fee deficiency to the deposit account 23-1925, as indicated in the Transmittal accompanying this Statement.

11/22/04
Date

Respectfully submitted,


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